

CHAPTER NO. 21

HOUSE BILL NO. 1940

By Representative Fitzhugh

Substituted for: Senate Bill No. 1939

By Senator Leatherwood

AN ACT to amend Chapter 304 of the Private Acts of 1929, as amended by Chapter 373 of the Private Acts of 1931; and any other acts amendatory thereto, relative to the Lauderdale County Highway Commission.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 1 of Chapter 304 of the Private Acts of 1929, as amended by Chapter 373 of the Private Acts of 1931, and any other acts amendatory thereto, is amended by deleting in its entirety all the language of Section 1 following the enacting clause, and by substituting instead the following language:

(a) That there is created in Lauderdale County, a County Highway Commission, to be composed of two (2) members to serve four (4) year, staggered terms. The two (2) remaining members of the Commission in office on the effective date of this act shall remain in office until the expiration of the terms for which they were elected and until their successors are elected and qualified. At the January, 2001 meeting of the County Legislative Body, a commissioner shall be elected to serve a four (4) year term and at the January, 2003 meeting a Commissioner shall be elected to serve a four (4) year term.

(b) All members of the Highway Commission shall reside in, and be freeholders of Lauderdale County, and no one holding any other office in Lauderdale County shall be eligible to be elected a member of such Commission. The Highway Commissioners shall be nominated by the County Executive, the Chairman of the County Legislative Body, if the Chairman is a person other than the County Executive, or any member of the County Legislative Body who is present at the meeting of the County Legislative Body when the Highway Commissioner is to be elected. The nominations shall be made and submitted to the County Legislative Body, and the County Legislative Body shall, by a majority vote of the members present, elect a Commissioner to serve a term of four (4) years from the date such person is elected and until a successor is elected and qualified.

(c) Each Commissioner so elected shall immediately after his election, qualify by making and subscribing to an oath before the County Legislative Body, to faithfully and impartially perform the duties of the office, to the best of his skill and ability, and without favor towards or prejudice against any person, section or community of Lauderdale County. Such Commissioner shall also enter into bond, in the sum of One Hundred Thousand Dollars, with good and solvent sureties, approved by the County Executive or Chairman conditioned for the faithful performance of his duties, and for the faithful expending of, and accounting for all monies coming into his hands, or under his control as such Commissioner or by virtue of his office, and which oath and bond shall be delivered to and kept on file by the Clerk of the County Legislative Body.

(d) Each January, immediately after the election and qualification of a successor, and on a date in January set by the Commission in years when a term does not expire, the Commission shall meet and elect one of their number Secretary and one of their number Chairman.

(e) In the event of a vacancy on the Commission, caused by the death, resignation, or removal of residence from the County, the same shall be filled by the County Legislative Body electing a successor to fill out the unexpired term of the Commissioner so vacating the office. Such successor shall be elected at the next meeting of the County Legislative Body following the date the vacancy occurs; said Commissioner to be nominated by the County Executive, the Chairman of the County Legislative Body, if the Chairman is a person other than the County Executive, or any member of the County Legislative Body who is present at the meeting of the County Legislative Body when the vacancy is to be filled. Until the vacancy is filled the remaining Commissioner shall be vested with all the rights, powers and privileges given by this act to the Commission.

SECTION 2. Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of Lauderdale County. Its approval or non-approval shall be proclaimed by the presiding officer of the County Legislative Body and certified to the Secretary of State.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.

PASSED: March 25, 1999


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 1st day of April 1999


DON SUNDQUIST, GOVERNOR